

In the Senate of the United States,

July 11, 2003.

Resolved, That the bill from the House of Representatives (H.R. 2559) entitled “An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated for mili-*
3 *tary construction, family housing, and base realignment*
4 *and closure functions administered by the Department of*
5 *Defense, for the fiscal year ending September 30, 2004, and*
6 *for other purposes, namely:*

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,255,155,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed \$134,645,000, shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for “Military Construction, Army” in previous Military Construction Appropriation Acts, \$183,615,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval in-

1 *stallations, facilities, and real property for the Navy as cur-*
 2 *rently authorized by law, including personnel in the Naval*
 3 *Facilities Engineering Command and other personal serv-*
 4 *ices necessary for the purposes of this appropriation,*
 5 *\$1,195,659,000, to remain available until September 30,*
 6 *2008: Provided, That of this amount, not to exceed*
 7 *\$77,283,000, shall be available for study, planning, design,*
 8 *architect and engineer services, as authorized by law, unless*
 9 *the Secretary of Defense determines that additional obliga-*
 10 *tions are necessary for such purposes and notifies the Com-*
 11 *mittees on Appropriations of both Houses of Congress of his*
 12 *determination and the reasons therefor: Provided further,*
 13 *That of the funds appropriated for “Military Construction,*
 14 *Navy” in previous Military Construction Appropriation*
 15 *Acts, \$39,322,000 are rescinded.*

16 *MILITARY CONSTRUCTION, AIR FORCE*

17 *For acquisition, construction, installation, and equip-*
 18 *ment of temporary or permanent public works, military in-*
 19 *stallations, facilities, and real property for the Air Force*
 20 *as currently authorized by law, \$1,056,377,000, to remain*
 21 *available until September 30, 2008: Provided, That of this*
 22 *amount, not to exceed \$112,075,000, shall be available for*
 23 *study, planning, design, architect and engineer services, as*
 24 *authorized by law, unless the Secretary of Defense deter-*
 25 *mines that additional obligations are necessary for such*

1 *purposes and notifies the Committees on Appropriations of*
 2 *both Houses of Congress of his determination and the rea-*
 3 *sons therefor.*

4 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

5 *(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)*

6 *For acquisition, construction, installation, and equip-*
 7 *ment of temporary or permanent public works, installa-*
 8 *tions, facilities, and real property for activities and agen-*
 9 *cies of the Department of Defense (other than the military*
 10 *departments), as currently authorized by law,*
 11 *\$712,567,000, to remain available until September 30,*
 12 *2008: Provided, That such amounts of this appropriation*
 13 *as may be determined by the Secretary of Defense may be*
 14 *transferred to such appropriations of the Department of De-*
 15 *fense available for military construction or family housing*
 16 *as he may designate, to be merged with and to be available*
 17 *for the same purposes, and for the same time period, as*
 18 *the appropriation or fund to which transferred: Provided*
 19 *further, That of the amount appropriated, not to exceed*
 20 *\$70,881,000, shall be available for study, planning, design,*
 21 *architect and engineer services, as authorized by law, unless*
 22 *the Secretary of Defense determines that additional obliga-*
 23 *tions are necessary for such purposes and notifies the Com-*
 24 *mittees on Appropriations of both Houses of Congress of his*
 25 *determination and the reasons therefor: Provided further,*

1 *That of the funds appropriated for “Military Construction,*
 2 *Defense-wide” in previous Military Construction Appro-*
 3 *priation Acts, \$32,680,000 are rescinded.*

4 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

5 *For construction, acquisition, expansion, rehabilita-*
 6 *tion, and conversion of facilities for the training and ad-*
 7 *ministration of the Army National Guard, and contribu-*
 8 *tions therefor, as authorized by chapter 1803 of title 10,*
 9 *United States Code, and Military Construction Authoriza-*
 10 *tion Acts, \$304,085,000, to remain available until Sep-*
 11 *tember 30, 2008.*

12 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

13 *For construction, acquisition, expansion, rehabilita-*
 14 *tion, and conversion of facilities for the training and ad-*
 15 *ministration of the Air National Guard, and contributions*
 16 *therefor, as authorized by chapter 1803 of title 10, United*
 17 *States Code, and Military Construction Authorization Acts,*
 18 *\$221,013,000, to remain available until September 30,*
 19 *2008.*

20 *MILITARY CONSTRUCTION, ARMY RESERVE*

21 *For construction, acquisition, expansion, rehabilita-*
 22 *tion, and conversion of facilities for the training and ad-*
 23 *ministration of the Army Reserve as authorized by chapter*
 24 *1803 of title 10, United States Code, and Military Con-*

1 *struction Authorization Acts, \$73,979,000, to remain avail-*
 2 *able until September 30, 2008.*

3 *MILITARY CONSTRUCTION, NAVAL RESERVE*

4 *For construction, acquisition, expansion, rehabilita-*
 5 *tion, and conversion of facilities for the training and ad-*
 6 *ministration of the reserve components of the Navy and Ma-*
 7 *rine Corps as authorized by chapter 1803 of title 10, United*
 8 *States Code, and Military Construction Authorization Acts,*
 9 *\$34,742,000, to remain available until September 30, 2008.*

10 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

11 *For construction, acquisition, expansion, rehabilita-*
 12 *tion, and conversion of facilities for the training and ad-*
 13 *ministration of the Air Force Reserve as authorized by*
 14 *chapter 1803 of title 10, United States Code, and Military*
 15 *Construction Authorization Acts, \$57,426,000, to remain*
 16 *available until September 30, 2008.*

17 *NORTH ATLANTIC TREATY ORGANIZATION*

18 *SECURITY INVESTMENT PROGRAM*

19 *For the United States share of the cost of the North*
 20 *Atlantic Treaty Organization Security Investment Pro-*
 21 *gram for the acquisition and construction of military facili-*
 22 *ties and installations (including international military*
 23 *headquarters) and for related expenses for the collective de-*
 24 *fense of the North Atlantic Treaty Area as authorized in*
 25 *Military Construction Authorization Acts and section 2806*

1 of title 10, United States Code, \$169,300,000, to remain
 2 available until expended.

3 *FAMILY HOUSING CONSTRUCTION, ARMY*

4 *(INCLUDING RESCISSION)*

5 *For expenses of family housing for the Army for con-*
 6 *struction, including acquisition, replacement, addition, ex-*
 7 *pansion, extension and alteration, as authorized by law,*
 8 *\$409,191,000, to remain available until September 30,*
 9 *2008: Provided, That of the funds appropriated for “Family*
 10 *Housing Construction, Army” in previous Military Con-*
 11 *struction Appropriation Acts, \$52,300,000 are rescinded.*

12 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

13 *For expenses of family housing for the Army for oper-*
 14 *ation and maintenance, including debt payment, leasing,*
 15 *minor construction, principal and interest charges, and in-*
 16 *surance premiums, as authorized by law, \$1,043,026,000,*
 17 *to remain available until September 30, 2005.*

18 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*

19 *CORPS*

20 *(INCLUDING RESCISSION)*

21 *For expenses of family housing for the Navy and Ma-*
 22 *rine Corps for construction, including acquisition, replace-*
 23 *ment, addition, expansion, extension and alteration, as au-*
 24 *thorized by law, \$184,193,000, to remain available until*
 25 *September 30, 2008: Provided, That of the funds appro-*

1 priated for “Family Housing Construction, Navy and Ma-
 2 rine Corps” in previous Military Construction Appropria-
 3 tion Acts, \$3,585,000 are rescinded.

4 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*
 5 *AND MARINE CORPS*

6 *For expenses of family housing for the Navy and Ma-*
 7 *rine Corps for operation and maintenance, including debt*
 8 *payment, leasing, minor construction, principal and inter-*
 9 *est charges, and insurance premiums, as authorized by law,*
 10 *\$852,778,000, to remain available until September 30,*
 11 *2005.*

12 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*
 13 *(INCLUDING RESCISSION)*

14 *For expenses of family housing for the Air Force for*
 15 *construction, including acquisition, replacement, addition,*
 16 *expansion, extension and alteration, as authorized by law,*
 17 *\$657,026,000, to remain available until September 30,*
 18 *2008: Provided, That of the funds appropriated for “Family*
 19 *Housing Construction, Air Force” in previous Military*
 20 *Construction Appropriation Acts, \$29,039,000 are re-*
 21 *scinded.*

22 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*
 23 *FORCE*

24 *For expenses of family housing for the Air Force for*
 25 *operation and maintenance, including debt payment, leas-*

1 *ing, minor construction, principal and interest charges,*
 2 *and insurance premiums, as authorized by law,*
 3 *\$834,468,000, to remain available until September 30,*
 4 *2005.*

5 *FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE*

6 *For expenses of family housing for the activities and*
 7 *agencies of the Department of Defense (other than the mili-*
 8 *tary departments) for construction, including acquisition,*
 9 *replacement, addition, expansion, extension and alteration,*
 10 *as authorized by law, \$350,000, to remain available until*
 11 *September 30, 2008.*

12 *FAMILY HOUSING OPERATION AND MAINTENANCE,*

13 *DEFENSE-WIDE*

14 *For expenses of family housing for the activities and*
 15 *agencies of the Department of Defense (other than the mili-*
 16 *tary departments) for operation and maintenance, leasing,*
 17 *and minor construction, as authorized by law, \$49,440,000,*
 18 *to remain available until September 30, 2005.*

19 *DEPARTMENT OF DEFENSE FAMILY HOUSING*

20 *IMPROVEMENT FUND*

21 *For the Department of Defense Family Housing Im-*
 22 *provement Fund, \$300,000, to remain available until ex-*
 23 *pendent, for family housing initiatives undertaken pursuant*
 24 *to section 2883 of title 10, United States Code, providing*

1 *alternative means of acquiring and improving military*
 2 *family housing, and supporting facilities.*

3 *BASE REALIGNMENT AND CLOSURE ACCOUNT*

4 *For deposit into the Department of Defense Base Clo-*
 5 *sure Account 1990 established by section 2906(a)(1) of the*
 6 *Department of Defense Authorization Act, 1991 (Public*
 7 *Law 101–510), \$370,427,000, to remain available until ex-*
 8 *pendent.*

9 *GENERAL PROVISIONS—MILITARY*

10 *CONSTRUCTION*

11 *SEC. 101. None of the funds appropriated in Military*
 12 *Construction Appropriations Acts shall be expended for*
 13 *payments under a cost-plus-a-fixed-fee contract for con-*
 14 *struction, where cost estimates exceed \$25,000, to be per-*
 15 *formed within the United States, except Alaska, without the*
 16 *specific approval in writing of the Secretary of Defense set-*
 17 *ting forth the reasons therefor.*

18 *SEC. 102. Funds appropriated to the Department of*
 19 *Defense for construction shall be available for hire of pas-*
 20 *senger motor vehicles.*

21 *SEC. 103. Funds appropriated to the Department of*
 22 *Defense for construction may be used for advances to the*
 23 *Federal Highway Administration, Department of Trans-*
 24 *portation, for the construction of access roads as authorized*
 25 *by section 210 of title 23, United States Code, when projects*

1 *authorized therein are certified as important to the national*
2 *defense by the Secretary of Defense.*

3 *SEC. 104. None of the funds appropriated in this Act*
4 *may be used to begin construction of new bases inside the*
5 *continental United States for which specific appropriations*
6 *have not been made.*

7 *SEC. 105. No part of the funds provided in Military*
8 *Construction Appropriations Acts shall be used for purchase*
9 *of land or land easements in excess of 100 percent of the*
10 *value as determined by the Army Corps of Engineers or*
11 *the Naval Facilities Engineering Command, except: (1)*
12 *where there is a determination of value by a Federal court;*
13 *(2) purchases negotiated by the Attorney General or his des-*
14 *ignee; (3) where the estimated value is less than \$25,000;*
15 *or (4) as otherwise determined by the Secretary of Defense*
16 *to be in the public interest.*

17 *SEC. 106. None of the funds appropriated in Military*
18 *Construction Appropriations Acts shall be used to: (1) ac-*
19 *quire land; (2) provide for site preparation; or (3) install*
20 *utilities for any family housing, except housing for which*
21 *funds have been made available in annual Military Con-*
22 *struction Appropriations Acts.*

23 *SEC. 107. None of the funds appropriated in Military*
24 *Construction Appropriations Acts for minor construction*
25 *may be used to transfer or relocate any activity from one*

1 *base or installation to another, without prior notification*
2 *to the Committees on Appropriations.*

3 *SEC. 108. No part of the funds appropriated in Mili-*
4 *tary Construction Appropriations Acts may be used for the*
5 *procurement of steel for any construction project or activity*
6 *for which American steel producers, fabricators, and manu-*
7 *facturers have been denied the opportunity to compete for*
8 *such steel procurement.*

9 *SEC. 109. None of the funds available to the Depart-*
10 *ment of Defense for military construction or family housing*
11 *during the current fiscal year may be used to pay real prop-*
12 *erty taxes in any foreign nation.*

13 *SEC. 110. None of the funds appropriated in Military*
14 *Construction Appropriations Acts may be used to initiate*
15 *a new installation overseas without prior notification to the*
16 *Committees on Appropriations.*

17 *SEC. 111. None of the funds appropriated in Military*
18 *Construction Appropriations Acts may be obligated for ar-*
19 *chitect and engineer contracts estimated by the Government*
20 *to exceed \$500,000 for projects to be accomplished in Japan,*
21 *in any NATO member country, or in countries bordering*
22 *the Arabian Sea, unless such contracts are awarded to*
23 *United States firms or United States firms in joint venture*
24 *with host nation firms.*

1 *SEC. 112. None of the funds appropriated in Military*
2 *Construction Appropriations Acts for military construction*
3 *in the United States territories and possessions in the Pa-*
4 *cific and on Kwajalein Atoll, or in countries bordering the*
5 *Arabian Sea, may be used to award any contract estimated*
6 *by the Government to exceed \$1,000,000 to a foreign con-*
7 *tractor: Provided, That this section shall not be applicable*
8 *to contract awards for which the lowest responsive and re-*
9 *sponsible bid of a United States contractor exceeds the low-*
10 *est responsive and responsible bid of a foreign contractor*
11 *by greater than 20 percent: Provided further, That this sec-*
12 *tion shall not apply to contract awards for military con-*
13 *struction on Kwajalein Atoll for which the lowest responsive*
14 *and responsible bid is submitted by a Marshallese con-*
15 *tractor.*

16 *SEC. 113. The Secretary of Defense is to inform the*
17 *appropriate committees of Congress, including the Commit-*
18 *tees on Appropriations, of the plans and scope of any pro-*
19 *posed military exercise involving United States personnel*
20 *30 days prior to its occurring, if amounts expended for con-*
21 *struction, either temporary or permanent, are anticipated*
22 *to exceed \$100,000.*

23 *SEC. 114. Not more than 20 percent of the appropria-*
24 *tions in Military Construction Appropriations Acts which*

1 *are limited for obligation during the current fiscal year*
 2 *shall be obligated during the last 2 months of the fiscal year.*

3 (TRANSFER OF FUNDS)

4 SEC. 115. *Funds appropriated to the Department of*
 5 *Defense for construction in prior years shall be available*
 6 *for construction authorized for each such military depart-*
 7 *ment by the authorizations enacted into law during the cur-*
 8 *rent session of Congress.*

9 SEC. 116. *For military construction or family housing*
 10 *projects that are being completed with funds otherwise ex-*
 11 *pired or lapsed for obligation, expired or lapsed funds may*
 12 *be used to pay the cost of associated supervision, inspection,*
 13 *overhead, engineering and design on those projects and on*
 14 *subsequent claims, if any.*

15 SEC. 117. *Notwithstanding any other provision of law,*
 16 *any funds appropriated to a military department or de-*
 17 *fense agency for the construction of military projects may*
 18 *be obligated for a military construction project or contract,*
 19 *or for any portion of such a project or contract, at any*
 20 *time before the end of the fourth fiscal year after the fiscal*
 21 *year for which funds for such project were appropriated if*
 22 *the funds obligated for such project: (1) are obligated from*
 23 *funds available for military construction projects; and (2)*
 24 *do not exceed the amount appropriated for such project,*
 25 *plus any amount by which the cost of such project is in-*
 26 *creased pursuant to law.*

(TRANSFER OF FUNDS)

1
2 *SEC. 118. During the 5-year period after appropria-*
3 *tions available to the Department of Defense for military*
4 *construction and family housing operation and mainte-*
5 *nance and construction have expired for obligation, upon*
6 *a determination that such appropriations will not be nec-*
7 *essary for the liquidation of obligations or for making au-*
8 *thorized adjustments to such appropriations for obligations*
9 *incurred during the period of availability of such appro-*
10 *priations, unobligated balances of such appropriations may*
11 *be transferred into the appropriation "Foreign Currency*
12 *Fluctuations, Construction, Defense" to be merged with and*
13 *to be available for the same time period and for the same*
14 *purposes as the appropriation to which transferred.*

15 *SEC. 119. The Secretary of Defense is to provide the*
16 *Committees on Appropriations of the Senate and the House*
17 *of Representatives with an annual report by February 15,*
18 *containing details of the specific actions proposed to be*
19 *taken by the Department of Defense during the current fis-*
20 *cal year to encourage other member nations of the North*
21 *Atlantic Treaty Organization, Japan, Korea, and United*
22 *States allies bordering the Arabian Sea to assume a greater*
23 *share of the common defense burden of such nations and*
24 *the United States.*

(TRANSFER OF FUNDS)

1
2 *SEC. 120. During the current fiscal year, in addition*
3 *to any other transfer authority available to the Department*
4 *of Defense, proceeds deposited to the Department of Defense*
5 *Base Closure Account established by section 207(a)(1) of the*
6 *Defense Authorization Amendments and Base Closure and*
7 *Realignment Act (Public Law 100–526) pursuant to section*
8 *207(a)(2)(C) of such Act, may be transferred to the account*
9 *established by section 2906(a)(1) of the Department of De-*
10 *fense Authorization Act, 1991, to be merged with, and to*
11 *be available for the same purposes and the same time period*
12 *as that account.*

(TRANSFER OF FUNDS)

13
14 *SEC. 121. Subject to 30 days prior notification to the*
15 *Committees on Appropriations, such additional amounts as*
16 *may be determined by the Secretary of Defense may be*
17 *transferred to the Department of Defense Family Housing*
18 *Improvement Fund from amounts appropriated for con-*
19 *struction in “Family Housing” accounts, to be merged with*
20 *and to be available for the same purposes and for the same*
21 *period of time as amounts appropriated directly to the*
22 *Fund: Provided, That appropriations made available to the*
23 *Fund shall be available to cover the costs, as defined in sec-*
24 *tion 502(5) of the Congressional Budget Act of 1974, of di-*
25 *rect loans or loan guarantees issued by the Department of*
26 *Defense pursuant to the provisions of subchapter IV of chap-*

1 *ter 169, title 10, United States Code, pertaining to alter-*
 2 *native means of acquiring and improving military family*
 3 *housing and supporting facilities.*

4 *SEC. 122. None of the funds appropriated or made*
 5 *available by this Act may be obligated for Partnership for*
 6 *Peace Programs in the New Independent States of the*
 7 *former Soviet Union.*

8 *SEC. 123. (a) Not later than 60 days before issuing*
 9 *any solicitation for a contract with the private sector for*
 10 *military family housing the Secretary of the military de-*
 11 *partment concerned shall submit to the congressional de-*
 12 *fense committees the notice described in subsection (b).*

13 *(b)(1) A notice referred to in subsection (a) is a notice*
 14 *of any guarantee (including the making of mortgage or*
 15 *rental payments) proposed to be made by the Secretary to*
 16 *the private party under the contract involved in the event*
 17 *of—*

18 *(A) the closure or realignment of the installation*
 19 *for which housing is provided under the contract;*

20 *(B) a reduction in force of units stationed at*
 21 *such installation; or*

22 *(C) the extended deployment overseas of units*
 23 *stationed at such installation.*

24 *(2) Each notice under this subsection shall specify the*
 25 *nature of the guarantee involved and assess the extent and*

1 *likelihood, if any, of the liability of the Federal Government*
 2 *with respect to the guarantee.*

3 *(c) In this section, the term “congressional defense*
 4 *committees” means the following:*

5 *(1) The Committee on Armed Services and the*
 6 *Military Construction Subcommittee, Committee on*
 7 *Appropriations of the Senate.*

8 *(2) The Committee on Armed Services and the*
 9 *Military Construction Subcommittee, Committee on*
 10 *Appropriations of the House of Representatives.*

11 *(TRANSFER OF FUNDS)*

12 *SEC. 124. During the current fiscal year, in addition*
 13 *to any other transfer authority available to the Department*
 14 *of Defense, amounts may be transferred from the account*
 15 *established by section 2906(a)(1) of the Department of De-*
 16 *fense Authorization Act, 1991, to the fund established by*
 17 *section 1013(d) of the Demonstration Cities and Metropoli-*
 18 *tan Development Act of 1966 (42 U.S.C. 3374) to pay for*
 19 *expenses associated with the Homeowners Assistance Pro-*
 20 *gram. Any amounts transferred shall be merged with and*
 21 *be available for the same purposes and for the same time*
 22 *period as the fund to which transferred.*

23 *SEC. 125. Notwithstanding this or any other provision*
 24 *of law, funds appropriated in Military Construction Ap-*
 25 *propriations Acts for operations and maintenance of family*
 26 *housing shall be the exclusive source of funds for repair and*

1 maintenance of all family housing units, including general
 2 or flag officer quarters: Provided, That not more than
 3 \$35,000 per unit may be spent annually for the mainte-
 4 nance and repair of any general or flag officer quarters
 5 without 30 days advance prior notification to the appro-
 6 priate committees of Congress, except that an after-the-fact
 7 notification shall be submitted if the limitation is exceeded
 8 solely due to costs associated with environmental remedi-
 9 ation that could not be reasonably anticipated at the time
 10 of the budget submission: Provided further, That the Under
 11 Secretary of Defense (Comptroller) is to report annually to
 12 the Committees on Appropriations all operations and
 13 maintenance expenditures for each individual general or
 14 flag officer quarters for the prior fiscal year: Provided fur-
 15 ther, That nothing herein precludes the Secretary concerned
 16 from using funds pursuant to 10 U.S.C. 2601.

17 SEC. 126. None of the funds made available in this
 18 Act may be transferred to any department, agency, or in-
 19 strumentality of the United States Government, except pur-
 20 suant to a transfer made by, or transfer authority provided
 21 in, this Act or any other appropriation Act.

22 SEC. 127. No funds appropriated in this Act under
 23 the heading “North Atlantic Treaty Organization Security
 24 Investment Program”, and no funds appropriated for any
 25 fiscal year before fiscal year 2004 for that program that

1 *remain available for obligation, may be obligated or ex-*
 2 *pended for the conduct of studies of missile defense.*

3 *SEC. 128. (a) COMMISSION ON REVIEW OF OVERSEAS*
 4 *MILITARY FACILITY STRUCTURE OF THE UNITED*
 5 *STATES.—(1) There is established the Commission on the*
 6 *Review of the Overseas Military Facility Structure of the*
 7 *United States (in this section referred to as the “Commis-*
 8 *sion”).*

9 *(2)(A) The Commission shall be composed of 8 mem-*
 10 *bers of whom—*

11 *(i) 2 shall be appointed by the Majority Leader*
 12 *of the Senate;*

13 *(ii) 2 shall be appointed by the Minority Leader*
 14 *of the Senate;*

15 *(iii) 2 shall be appointed by the Speaker of the*
 16 *House of Representatives; and*

17 *(iv) 2 shall be appointed by the Minority Leader*
 18 *of the House of Representatives.*

19 *(B) Individuals appointed to the Commission shall*
 20 *have significant experience in the national security or for-*
 21 *eign policy of the United States.*

22 *(C) Appointments of the members of the Commission*
 23 *shall be made not later than 45 days after the date of the*
 24 *enactment of this Act.*

1 (3) *Members shall be appointed for the life of the Com-*
2 *mission. Any vacancy in the Commission shall not affect*
3 *its powers, but shall be filled in the same manner as the*
4 *original appointment.*

5 (4) *Not later than 30 days after the date on which*
6 *all members of the Commission have been appointed, the*
7 *Commission shall hold its first meeting.*

8 (5) *The Commission shall meet at the call of the Chair-*
9 *man.*

10 (6) *A majority of the members of the Commission shall*
11 *constitute a quorum, but a lesser number of members may*
12 *hold hearings.*

13 (7) *The Commission shall select a Chairman and Vice*
14 *Chairman from among its members.*

15 (b) *DUTIES.*—(1) *The Commission shall conduct a*
16 *thorough study of matters relating to the military facility*
17 *structure of the United States overseas.*

18 (2) *In conducting the study, the Commission shall—*

19 (A) *assess the number of forces required to be for-*
20 *ward based outside the United States;*

21 (B) *examine the current state of the military fa-*
22 *cilities and training ranges of the United States over-*
23 *seas for all permanent stations and deployed loca-*
24 *tions, including the condition of land and improve-*
25 *ments at such facilities and ranges and the avail-*

1 *ability of additional land, if required, for such facili-*
2 *ties and ranges;*

3 *(C) identify the amounts received by the United*
4 *States, whether in direct payments, in-kind contribu-*
5 *tions, or otherwise, from foreign countries by reason*
6 *of military facilities of the United States overseas;*

7 *(D) assess whether or not the current military*
8 *basing and training range structure of the United*
9 *States overseas is adequate to meet the current and*
10 *future mission of the Department of Defense, includ-*
11 *ing contingency, mobilization, and future force re-*
12 *quirements;*

13 *(E) assess the feasibility and advisability of the*
14 *closure or realignment of military facilities of the*
15 *United States overseas, or of the establishment of new*
16 *military facilities of the United States overseas; and*

17 *(F) consider or assess any other issue relating to*
18 *military facilities of the United States overseas that*
19 *the Commission considers appropriate.*

20 *(3)(A) Not later than August 30, 2004, the Commission*
21 *shall submit to the President and Congress a report which*
22 *shall contain a detailed statement of the findings and con-*
23 *clusions of the Commission, together with its recommenda-*
24 *tions for such legislation and administrative actions as it*
25 *considers appropriate.*

1 (B) *In addition to the matters specified in subpara-*
2 *graph (A), the report shall also include a proposal by the*
3 *Commission for an overseas basing strategy for the Depart-*
4 *ment of Defense in order to meet the current and future*
5 *mission of the Department.*

6 (c) *POWERS.—(1) The Commission may hold such*
7 *hearings, sit and act at such times and places, take such*
8 *testimony, and receive such evidence as the Commission*
9 *considers advisable to carry out this section.*

10 (2) *The Commission may secure directly from any*
11 *Federal department or agency such information as the*
12 *Commission considers necessary to carry out this section.*
13 *Upon request of the Chairman of the Commission, the head*
14 *of such department or agency shall furnish such informa-*
15 *tion to the Commission.*

16 (3) *Upon request of the Commission, the Adminis-*
17 *trator of General Services shall provide to the Commission,*
18 *on a reimbursable basis, the administrative support nec-*
19 *essary for the Commission to carry out its duties under this*
20 *section.*

21 (4) *The Commission may use the United States mails*
22 *in the same manner and under the same conditions as other*
23 *departments and agencies of the Federal Government.*

24 (5) *The Commission may accept, use, and dispose of*
25 *gifts or donations of services or property.*

1 (d) *PERSONNEL MATTERS.*—(1) *Each member of the*
 2 *Commission who is not an officer or employee of the Federal*
 3 *Government shall be compensated at a rate equal to the*
 4 *daily equivalent of the annual rate of basic pay prescribed*
 5 *for level IV of the Executive Schedule under section 5315*
 6 *of title 5, United States Code, for each day (including travel*
 7 *time) during which such member is engaged in the perform-*
 8 *ance of the duties of the Commission under this section. All*
 9 *members of the Commission who are officers or employees*
 10 *of the United States shall serve without compensation in*
 11 *addition to that received for their services as officers or em-*
 12 *ployees of the United States.*

13 (2)(A) *Members of the Commission shall be allowed*
 14 *travel expenses, including per diem in lieu of subsistence,*
 15 *at rates authorized for employees of agencies under sub-*
 16 *chapter I of chapter 57 of title 5, United States Code, while*
 17 *away from their homes or regular places of business in the*
 18 *performance of services for the Commission under this sec-*
 19 *tion.*

20 (B) *Members and staff of the Commission may receive*
 21 *transportation on aircraft of the Military Airlift Command*
 22 *to and from the United States, and overseas, for purposes*
 23 *of the performance of the duties of the Commission to the*
 24 *extent that such transportation will not interfere with the*
 25 *requirements of military operations.*

1 (3)(A) *The Chairman of the Commission may, without*
2 *regard to the civil service laws and regulations, appoint*
3 *and terminate an executive director and such other addi-*
4 *tional personnel as may be necessary to enable the Commis-*
5 *sion to perform its duties under this section. The employ-*
6 *ment of an executive director shall be subject to confirma-*
7 *tion by the Commission.*

8 (B) *The Commission may employ a staff to assist the*
9 *Commission in carrying out its duties. The total number*
10 *of the staff of the Commission, including an executive direc-*
11 *tor under subparagraph (A), may not exceed 12.*

12 (C) *The Chairman of the Commission may fix the com-*
13 *pensation of the executive director and other personnel with-*
14 *out regard to chapter 51 and subchapter III of chapter 53*
15 *of title 5, United States Code, relating to classification of*
16 *positions and General Schedule pay rates, except that the*
17 *rate of pay for the executive director and other personnel*
18 *may not exceed the rate payable for level V of the Executive*
19 *Schedule under section 5316 of such title.*

20 (4) *Any employee of the Department of Defense, the*
21 *Department of State, or the General Accounting Office may*
22 *be detailed to the Commission without reimbursement, and*
23 *such detail shall be without interruption or loss of civil*
24 *service status or privilege.*

1 (5) *The Chairman of the Commission may procure*
2 *temporary and intermittent services under section 3109(b)*
3 *of title 5, United States Code, at rates for individuals which*
4 *do not exceed the daily equivalent of the annual rate of basic*
5 *pay prescribed for level V of the Executive Schedule under*
6 *section 5316 of such title.*

7 (e) *SECURITY.—(1) Members and staff of the Commis-*
8 *sion, and any experts and consultants to the Commission,*
9 *shall possess security clearances appropriate for their duties*
10 *with the Commission under this section.*

11 (2) *The Secretary of Defense shall assume responsi-*
12 *bility for the handling and disposition of any information*
13 *relating to the national security of the United States that*
14 *is received, considered, or used by the Commission under*
15 *this section.*

16 (f) *TERMINATION.—The Commission shall terminate*
17 *45 days after the date on which the Commission submits*
18 *its report under subsection (b).*

19 (g) *FUNDING.—(1) Of the amount appropriated by*
20 *this Act, \$3,000,000 shall be available to the Commission*
21 *to carry out this section.*

22 (2) *The amount made available by paragraph (1) shall*
23 *remain available, without fiscal year limitation, until Sep-*
24 *tember 2005.*

- 1 *This Act may be cited as the “Military Construction*
- 2 *Appropriations Act, 2004”.*

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 2559

AMENDMENT